

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re : Douglas LeCrone, Daniel A. Murphy and Denis Hall
Serial No. : 10/692,285
Filed : October 23, 2003
FOR : METHOD AND APPARATUS FOR MONITORING UPDATE
ACTIVITY IN A DATA STORAGE FACILITY
EXAMINER : Khanh Pham
ART UNIT : 2125

April 16, 2007

DECLARATION OF MARY C. HOGGARD

I Mary C. Hoggard declare that:

1. I am the person in the Law Offices of George A. Herbster who is responsible for docketing and have had that responsibility since 1990.
2. In the normal course of business in this office I receive all mail. If an item of incoming mail requires a response, I:
 - a. Enter that information in our docketing system;
 - b. Enter the due date on the document itself; and
 - c. Place the document in its respective file along with a sheet of paper that contains the docketing information.
3. Periodically I conduct a review of pending applications for determining their status. On April 12, 2007 I reviewed the status of Application Serial No. 10/692,285 filed on October 23, 2003 for Douglas LeCrone including a review of cases through Private Pair. I discovered that, according to the Private Pair reports, a Notice of Non-

Compliant Amendment had been mailed on August 10, 2006 and that no response had been filed.

4. Subsequently I reviewed the files in our office. There was no entry in our docketing system. The notice does is not in our File No. E30-033CON, the file number assigned to this particular application.
5. Neither the Notice nor the docket sheet for this matter was found in any related file.
6. Based on this I conclude that the Notice was never received in this office.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: /Mary C Hoggard/

Typed Name: Mary C. Hoggard